

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 72 By: Allen of the Senate
3 and
4 Hardin of the House
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7 [crimes against animals - prohibited acts against a
8 police dog or a police horse - effective date]
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11 AMENDMENT NO. 1. Strike the stricken title, enacting clause and
12 entire bill and insert
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14 "An Act relating to crimes and punishments; amending
15 21 O.S. 2011, Sections 649.1 and 649.2, which relate
16 to crimes against police dog and horse; modifying
17 prohibition of mistreatment of police dog and horse;
18 providing for additional prohibited acts against
19 police dog and horse; increasing limit for
20 imprisonment; requiring restitution; directing
21 payment of restitution to certain entities;
22 providing for exceptions to prohibited acts; and
23 providing effective date.
24

21 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

22 SECTION 1. AMENDATORY 21 O.S. 2011, Section 649.1, is
23 amended to read as follows:
24

1 Section 649.1 A. No person shall willfully ~~torture~~ strike,
2 ~~torment, beat, mutilate, injure, disable,~~ administer a nonpoisonous
3 desensitizing substance to, or otherwise mistreat a police dog or
4 police horse owned, or the service of which is employed, by a law
5 enforcement agency of the state or a political subdivision of the
6 state.

7 B. No person shall willfully interfere with the lawful
8 performance of any police dog or police horse.

9 C. Except as provided in subsection D of this section, any
10 person convicted of violating any of the provisions of this section
11 shall be guilty of a misdemeanor, punishable by the imposition of a
12 fine not exceeding Five Hundred Dollars (\$500.00), or by
13 imprisonment in the county jail not exceeding one (1) year, or by
14 both such fine and imprisonment. In addition, the person shall be
15 ordered to pay restitution, which shall be paid to the law
16 enforcement agency or political subdivision of the state which
17 employed the service of the police dog or horse.

18 D. Any person who knowingly and willfully and without lawful
19 cause or justification violates the provisions of this section,
20 during the commission of a misdemeanor or felony, shall be guilty of
21 a felony, punishable by the imposition of a fine not exceeding One
22 Thousand Dollars (\$1,000.00), or by imprisonment in the ~~State~~
23 Penitentiary custody of the Department of Corrections not exceeding
24 two (2) years, or by both such fine and imprisonment. In addition,

1 the person shall be ordered to pay restitution, which shall be paid
2 to the law enforcement agency or political subdivision of the state
3 which employed the service of the police dog or horse.

4 SECTION 2. AMENDATORY 21 O.S. 2011, Section 649.2, is
5 amended to read as follows:

6 Section 649.2 A. No person shall willfully kill; beat;
7 torture; injure so as to disfigure or disable; administer poison to;
8 set a booby trap device for the purpose of injury so as to
9 disfigure, disable or kill; or pay or agree to pay bounty for
10 purposes of injury so as to disfigure, disable or kill any police
11 dog or police horse owned, or the service of which is employed, by a
12 law enforcement agency of the state or a political subdivision of
13 the state.

14 B. Except as provided in subsection C of this section, any
15 person convicted of violating the provisions of this section is
16 guilty of a misdemeanor punishable by the imposition of a fine not
17 exceeding One Thousand Dollars (\$1,000.00), or by imprisonment in
18 the county jail not exceeding one (1) year, or by both such fine and
19 imprisonment. In addition, the person shall be ordered to pay
20 restitution, which shall be paid to the law enforcement agency or
21 political subdivision of the state which employed the service of the
22 police dog or horse.

23 C. Any person who knowingly and willfully and without lawful
24 cause or justification violates the provisions of this section,

1 during the commission of a misdemeanor or felony, shall be guilty of
2 a felony, punishable by the imposition of a fine not exceeding One
3 Thousand Dollars (\$1,000.00), or by imprisonment in the ~~State~~
4 Penitentiary custody of the Department of Corrections not exceeding
5 ~~two (2)~~ five (5) years, or by both such fine and imprisonment. In
6 addition, the person shall be ordered to pay restitution, which
7 shall be paid to the law enforcement agency or political subdivision
8 of the state which employed the service of the police dog or horse.

9 D. The provisions of this section shall not apply:

10 1. To a peace officer or veterinarian who terminates the life
11 of a police dog or a police horse for the purpose of relieving the
12 dog or horse of undue pain or suffering; or

13 2. If a police dog is off duty and is running loose without
14 supervision of a police officer and gets run over by a motor vehicle
15 or is perceived to be a threat to the public.

16 SECTION 3. This act shall become effective November 1, 2014."
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1 Passed the House of Representatives the 25th day of March, 2014.

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3 _____
4 Presiding Officer of the House
of Representatives

5 Passed the Senate the ____ day of _____, 2014.

6
7
8 _____
9 Presiding Officer of the Senate

1 ENGROSSED SENATE
2 BILL NO. 72

By: Allen of the Senate

3 and

4 Hardin of the House

5
6
7 [crimes against animals - prohibited acts against a
8 police dog or a police horse - effective date]
9

10 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

11 SECTION 4. AMENDATORY 21 O.S. 2011, Section 649.1, is
12 amended to read as follows:

13 Section 649.1. A. No person shall willfully ~~torture~~ strike,
14 ~~torment, beat, mutilate, injure, disable,~~ administer a nonpoisonous
15 desensitizing substance or otherwise mistreat a police dog or police
16 horse owned, or the service of which is employed, by a law
17 enforcement agency of the state or a political subdivision of the
18 state.

19 B. No person shall willfully interfere with the lawful
20 performance of any police dog or police horse.

21 C. Except as provided in subsection D of this section, any
22 person convicted of violating any of the provisions of this section
23 shall be guilty of a misdemeanor, punishable by the imposition of a
24 fine not exceeding Five Hundred Dollars (\$500.00), or by

1 imprisonment in the county jail not exceeding one (1) year, or by
2 both such fine and imprisonment.

3 D. Any person who knowingly and willfully and without lawful
4 cause or justification violates the provisions of this section,
5 during the commission of a misdemeanor or felony, shall be guilty of
6 a felony, punishable by the imposition of a fine not exceeding One
7 Thousand Dollars (\$1,000.00), or by imprisonment in the ~~State~~
8 Penitentiary custody of the Department of Corrections not exceeding
9 two (2) years, or by both such fine and imprisonment.

10 SECTION 5. AMENDATORY 21 O.S. 2011, Section 649.2, is
11 amended to read as follows:

12 Section 649.2. A. No person shall willfully kill, beat,
13 torture, injure so as to disfigure or disable, administer poison to,
14 set a booby trap device for the purpose of injury so as to
15 disfigure, disable or kill, pay or agree to pay bounty for purposes
16 of injury so as to disfigure, disable or kill any police dog or
17 police horse owned, or the service of which is employed, by a law
18 enforcement agency of the state or a political subdivision of the
19 state.

20 B. ~~Except as provided in subsection C of this section, any~~
21 ~~person convicted of violating the provisions of this section is~~
22 ~~guilty of a misdemeanor punishable by the imposition of a fine not~~
23 ~~exceeding One Thousand Dollars (\$1,000.00), or by imprisonment in~~
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1 ~~the county jail not exceeding one (1) year, or by both such fine and~~
2 ~~imprisonment.~~

3 ~~C. Any person who knowingly and willfully and without lawful~~
4 ~~cause or justification violates the provisions of this section,~~
5 ~~during the commission of a misdemeanor or felony, is convicted of~~
6 ~~violating the provisions of this section shall be guilty of a~~
7 ~~felony, punishable by the imposition of a fine not exceeding ~~one~~~~
8 ~~Thousand Dollars (\$1,000.00) Seven Thousand Five Hundred Dollars~~
9 ~~(\$7,500.00), or by imprisonment in the ~~State Penitentiary~~ custody of~~
10 ~~the Department of Corrections not exceeding ~~two (2)~~ five (5) years,~~
11 ~~or by both such fine and imprisonment.~~

12 C. The provisions of this section shall not apply:

13 1. To a peace officer or veterinarian who terminates the life
14 of a police dog or a police horse for the purpose of relieving the
15 dog or horse of undue pain or suffering; or

16 2. If a police dog is off duty and is running loose without
17 supervision of a police officer and gets run over by a motor vehicle
18 or is perceived to be a threat to the public.

19 SECTION 6. This act shall become effective November 1, 2013.

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